

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America,

Plaintiff,

-v.-

Three (3) Firearms,

Defendant.

Civil Action No. C-2-04-438

JUDGE SARGUS

Magistrate Judge Abel

DEFAULT JUDGMENT AND DECREE OF FORFEITURE

This cause came before the Court on Plaintiff's Motion for Default Judgment and Decree of Forfeiture. After a thorough review of the record, the Court finds:

1. That on May 26, 2004, Plaintiff, the United States of America, filed a Verified Complaint alleging that said Defendant Property was used or intended to be used in violation of 18 U.S.C. §922(g) said violation being possession in or affecting commerce of a firearm or ammunition by any person who has been convicted of a crime punishable by imprisonment for a term exceeding one year and is therefore forfeitable to the United States of America pursuant to 18 U.S.C. §924(d)(1);
2. That the aforementioned Complaint was accompanied by an affidavit (Exhibit A to Complaint) which established probable cause to believe the allegations set forth in said Complaint;
3. That process was duly issued herein and returned according to law;
4. That notice of the seizure of the Defendant Property was given according to law;
5. That James E. Gearheart, Sr., and Catherine Gearheart are the only parties known to the United States to have any interest in the Defendant Property. That they or any other claimant has failed to come forward to timely file herein any claim or other pleading within the time fixed by law;
6. That the allegations of the Verified Complaint are taken as admitted; and
7. That this Court has jurisdiction pursuant to 28 U.S.C. §§1345 and 1355.

NOW THEREFORE, based upon the above findings, and the Court being otherwise fully advised in the matter, it is hereby:

ORDERED, ADJUDGED, AND DECREED:

1. That the Defendant Property was used or intended to be used in violation of 18 U.S.C. §922(g) said violation being possession in or affecting commerce of a firearm or ammunition by any person who has been convicted of a crime punishable by imprisonment for a term exceeding one year and is therefore forfeitable to the United States of America pursuant to 18 U.S.C. §924(d)(1) and that the Defendant Property (Three Firearms), legally described as:

- (1) **A Llama (Gabilondo & CIA), Model Max-1, 45 caliber pistol, Serial No. 71-04-05987-02;**
- (2) **A Russian, Model M1944, 7.62 x 54 caliber rifle, Serial No. HB7006;**
- (3) **A Romarm/Cugir, Model WASR-10, 7.62 x 39 Caliber rifle, Serial No. 1036796-2002**

are hereby **FORFEITED** to the United States of America pursuant to 18 U.S.C. §924(d)(1).

2. That all other claims and interests in and to said property are forever closed and barred; that no right, title or interest in the Defendant Property shall exist in any party other than the United States of America.

4. That the Bureau of Alcohol, Tobacco, Firearms and Explosives shall dispose of the forfeited property as provided by law.

IT IS SO ORDERED this 18th day of May, 2005.



HONORABLE EDMUND A. SARGUS, JR.
United States District Court Judge